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Counsel for the Chapter 11 Trustee

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FIRESTAR DIAMOND, INC., *et al.*

Debtors.¹

RICHARD LEVIN, Chapter 11 Trustee of FIRESTAR
DIAMOND, INC., FANTASY, INC., and OLD AJ, INC.
f/k/a A. JAFFE, INC.,

Plaintiff,

v.

AMI JAVERI (A/K/A AMI MODI); PURVI MEHTA
(A/K/A PURVI MODI); NEHAL MODI; NEESHAL
MODI; CENTRAL PARK REAL ESTATE, LLC;
CENTRAL PARK SOUTH 50 PROPERTIES, LLC;
TRIDENT TRUST COMPANY (SOUTH DAKOTA)
INC., solely as Trustee of the ITHACA TRUST; TWIN
FIELDS INVESTMENTS LTD.; AURAGEM
COMPANY LTD.; BRILLIANT DIAMONDS LTD.;
ETERNAL DIAMONDS CORPORATION LTD.;
FANCY CREATIONS COMPANY LTD.; HAMILTON
PRECIOUS TRADERS LTD.; SINO TRADERS LTD.;
SUNSHINE GEMS LTD.; UNIQUE DIAMOND AND
JEWELLERY FZC; WORLD DIAMOND

Chapter 11

No. 18-10509 (SHL)

(Jointly Administered)

Adv. Proc. No. 20-1054

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are as follows: Firestar Diamond, Inc. (2729), Fantasy, Inc. (1673), and Old AJ, Inc. f/k/a A. Jaffe, Inc. (4756).

DISTRIBUTION FZE; VISTA JEWELRY FZE; EMPIRE
GEMS FZE; UNIVERSAL FINE JEWELRY FZE;
DIAGEMS FZE; TRI COLOR GEMS FZE; PACIFIC
DIAMONDS FZE; HIMALAYAN TRADERS FZE;
UNITY TRADING FZE; FINE CLASSIC FZE; DG
BROTHERS FZE,

Defendants.

**NOTICE OF PRESENTMENT OF CHAPTER 11 TRUSTEE'S
APPLICATION FOR ISSUANCE OF A LETTER
ROGATORY FOR JUDICIAL ASSISTANCE IN SERVICE OF PROCESS**

On June 5, 2020 (the "**Presentment Date**") at 12:00 p.m. EDT, Richard Levin, not individually but as Chapter 11 Trustee (the "**Trustee**") for the above-captioned debtors (the "**Debtors**"), will present the *Application for Issuance of a Letter Rogatory for Judicial Assistance in Service of Process* (the "**Application**"), a true and complete copy of which is annexed hereto, to the Honorable Sean H. Lane, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, Courtroom 701, New York, New York 10004-1408.

Objections, if any, to the Application must be made in writing and conform with the requirements of the Bankruptcy Code, the Bankruptcy Rules, and the Local Bankruptcy Rules, and be filed with the Clerk of the Bankruptcy Court at the address set forth above, with a copy delivered directly to the Hon. Sean H. Lane's chambers, and served upon all required parties, so as to be filed and actually received by all of them not later than June 5, 2020 at 12:00 p.m. EDT. If no timely, written objections are filed and received in accordance with the foregoing, the Court may grant the Application without further notice or hearing.

Dated: May 29, 2020
New York, New York

Respectfully submitted,

JENNER & BLOCK LLP

By: /s/ Vincent E. Lazar
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Plaintiff,

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(A/K/A PURVI MODI); NEHAL MODI; NEESHAL
MODI; CENTRAL PARK REAL ESTATE, LLC;
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JEWELLERY FZC; WORLD DIAMOND

Chapter 11

No. 18-10509 (SHL)

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DIAMONDS FZE; HIMALAYAN TRADERS FZE;
UNITY TRADING FZE; FINE CLASSIC FZE; DG
BROTHERS FZE,

Defendants.

**CHAPTER 11 TRUSTEE'S APPLICATION FOR ISSUANCE OF A
LETTER ROGATORY FOR JUDICIAL ASSISTANCE IN SERVICE OF PROCESS**

Richard Levin, not individually but solely as chapter 11 trustee (the "**Trustee**") for the above-captioned Debtors, submits this application ("**Application**") for the issuance of a Letter Rogatory ("**Letter Rogatory**") to the appropriate judicial authority of the United Arab Emirates requesting service of the *Complaint to Avoid and Recover Actual Fraudulent Transfers and for Damages For Conspiracy To Violate The Racketeering Influenced Corrupt Organizations Act* ("**Complaint**") [Adv. Dkt. 1], *Second Summons and Notice of Pretrial Conference in an Adversary Proceeding* ("**Summons**") [Adv. Dkt. 9], *Order (I) Directing Issuance of an Additional Summons; (II) Setting Foreign Defendants' Time To Respond To The Complaint; (III) Adjourning The Pretrial Conference; and (IV) Granting Related Relief* [Adv. Dkt. 8] (the "**Service Order**," and together with the Complaint and Summons, the "**Judicial Documents**").

This Application is made under 11 U.S.C. § 105(a), 28 U.S.C. § 1781(a)(2), Rule 7004(a)(1) of the Federal Rules of Bankruptcy Procedure ("**Bankruptcy Rules**"), and Rule 4(f)(2)(B) and 4(h)(2) of the Federal Rules of Civil Procedure ("**Civil Rules**").

In support of the Application, the Trustee respectfully states:

JURISDICTION & VENUE

1. This Court has jurisdiction over the Application pursuant to 28 U.S.C. §§ 157 and 1334(b).
2. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The Application is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) in which the Court may constitutionally enter a final order, and the Trustee consents to the entry of a final order by the Court.

BACKGROUND

4. On February 26, 2018, each of the Debtors filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code commencing these chapter 11 cases. On June 14, 2018, the Court entered an order approving the appointment of the Trustee. [Dkt. 227.]

5. Before the date of the filing of the chapter 11 petitions, each of the Debtors conducted business as wholesalers of fine jewelry. The Trustee is now managing the Debtors' estates to maximize recoveries for the Debtors' creditors.

6. On February 25, 2020, the Trustee filed this action, which seeks to: (i) avoid and recover actual fraudulent transfers made to or for the benefit of the Defendants; and (ii) recover from the Defendants the damages suffered as a result of Nirav Modi's, the Defendants', and their other co-conspirators' nearly decade-long criminal conduct.

7. Defendants Hamilton Precious Traders Ltd., Unique Diamond and Jewellery FZC, World Diamond Distribution FZE, Vista Jewelry FZE, Empire Gems FZE, Universal Fine Jewelry FZE, Diagem FZE, Tri Color Gems FZE, Pacific Diamonds FZE, Himalayan Traders FZE, Unity Trading FZE, Fine Classic FZE and DG Brothers FZE (the "UAE Defendants") are United Arab Emirates entities.

8. On March 24, 2020, the Trustee filed his *Motion For Entry of an Order (I) Directing Issuance of an Additional Summons; (II) Authorizing Service on the UAE Defendants By International Registered Mail; (III) Setting Foreign Defendants' Time To Respond To The Complaint; (IV) Adjourning The Pretrial Conference; and (V) Granting Related Relief* [Adv. Dkt. 7].

9. On April 10, 2020, the Court entered the Service Order, which directed issuance of an additional summons, set the time foreign defendants' time to answer the Complaint until 60 days after service of the Complaint and Summons, and adjourned the pretrial conference indefinitely.²

10. The Trustee has not yet served the Judicial Documents on the UAE Defendants.

RELIEF REQUESTED AND BASIS FOR RELIEF

11. In accordance with 11 U.S.C. § 105(a), 28 U.S.C. § 1781(a)(2), and Civil Rules 4(f)(2)(B) and 4(h)(2) (made applicable in this adversary proceeding by Bankruptcy Rule 7004(a)(1)), the Trustee requests the Court submit a letter rogatory ("**Letter Rogatory**"), substantially in the form attached hereto as Exhibit A, for judicial assistance in service of process of the Judicial Documents on the UAE Defendants. As-filed, English-language versions of the Judicial Documents and Arabic translations of the Judicial Documents are attached as exhibits to the Letter Rogatory.

12. Civil Rule 4(h)(2) provides that a foreign corporation may be served "in any manner prescribed by Rule 4(f) for serving an individual, except personal delivery under (f)(2)(C)(i)." Civil Rule 4(f)(2)(B) provides that an individual may be served outside any judicial district of the United States "if there is no internationally agreed means, or if an international agreement allows but does not specify other means, by a method that is reasonably calculated to give notice . . . as the foreign authority directs in response to a letter rogatory or Letter Rogatory." Fed. R. Civ. P. 4(f)(2)(B). There is no internationally agreed means of service between the United States and United Arab Emirates, and service via letters rogatory is warranted under Rule

² At the April 7, 2020 hearing on the Service Motion, counsel to the Trustee adjourned the Trustee's request to serve the UAE Defendants (as defined in the Service Motion) by international registered mail. The Trustee hereby withdraws that request.

4(f)(2)(B). *See Mother Doe I v. Maktoum*, No. CV 07-293-KSF, 2008 WL 11346423, at *1 (E.D. Ky. Mar. 11, 2008).

13. The Letter Rogatory is based on a form provided by the U.S. Department of State.³ The Letter Rogatory asks the appropriate judicial authority of the United Arab Emirates to effect service on the UAE Defendants in a manner of service consistent with the law of the United Arab Emirates. Issuance of the Letter Rogatory is necessary for the just and proper disposal of the proceedings before this Court, would facilitate a determination of the UAE Defendants' liability to the Debtors' estates, and could make recoveries available for the benefit of all creditors.

14. For the above reasons, the Trustee believes that the Letter Rogatory is just and appropriate and respectfully requests that the Court issue such Letter Rogatory to the appropriate judicial authority of the United Arab Emirates.

WHEREFORE, the Trustee respectfully requests that this Court issue a Letter Rogatory, substantially in the form of the proposed order attached as Exhibit A.

³ See *Preparation of Letters Rogatory*, United States Department of State <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/internal-judicial-asst/obtaining-evidence/Preparation-Letters-Rogatory.html> (last visited May 27, 2020).

Dated: May 29, 2020

New York, New York

Respectfully submitted,

JENNER & BLOCK LLP

By: /s/ Vincent E. Lazar

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